

The Regular Session was called to order at 6:31 p.m. by Mayor Copeland. Present were Councilmembers Montgomery, Vogt, and Huttman. Absent were Councilmembers Campbell, Randall, and Bacon. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION

Consideration of motion to recess into an executive session under the attorney-client privilege and the real property acquisition exceptions to the Kansas Open Meetings Law to consider the following items:

LAWSUITS

- A. Discussion of matters which would be considered as privileged in an attorney-client relationship pertaining to claims made by Ames Construction Company.

ACQUISITIONS

- B. Discussion of acquisition of property for the future K-7 Highway project.

FRANCHISES

- C. Discussion of matters which would be deemed privileged in an attorney-client relationship pertaining to a franchise agreement with Comcast Corporation.

Motion by Montgomery, seconded by Huttman, to recess into Executive Session for 15 minutes. Passed 4-0.

The meeting recessed at 6:34 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 6:48 p.m.

PROJECTS

- A. Matters which would be considered as privileged in an attorney-client relationship pertaining to claims made by Ames Construction Company were discussed.

Motion by Montgomery, seconded by Vogt, to direct staff to proceed as discussed in executive session. Passed 4-0.

ACQUISITIONS

- B. Discussion of acquisition of property for the future K-7 Highway project.

Motion by Montgomery, seconded by Vogt, to accept real estate contract. Passed 4-0.

FRANCHISES

- C. Matters which would be deemed privileged in an attorney-client relationship pertaining to a franchise agreement with Comcast Corporation were discussed.

Motion by Montgomery, seconded by Vogt, to direct staff to proceed as discussed in executive session. Passed 4-0.

Councilmember Campbell arrived at 6:50 p.m.

4. BEGIN TELEVISED SESSION

5. PLEDGE OF ALLEGIANCE

Olathe Webelos from Cub Scout Pack 3050 at Hope Lutheran Church and School led the audience in the Pledge of Allegiance.

Mayor Copeland announced the applicant for Resolution No. 07-1140 authorizing creation of a benefit district requested a continuance until December 4, 2007.

6. SPECIAL BUSINESS

AWARDS

- A. A 150th anniversary commemorative quilt was presented to the Council.

Members of the Olathe Quilters Guild presented the sesquicentennial quilt to the Council. The Council was informed of the organization and how the quilt, containing 150 four-inch blocks for each of Olathe's years, was completed. The Council expressed appreciation for the quilt.

APPOINTMENTS

- B. Resolution No. 07-1134 appointing members to the Board of Housing Commissioners was considered.

Motion by Montgomery, seconded by Campbell, to reappoint Wade Ladd and Ramon Ramirez and appoint Jim Terrones and Carla McCormally to the Human Relations Commission. Passed 5-0.

- C. Resolution No.07-1135 appointing members to the Human Relations Commission was considered.

Motion by Campbell, seconded by Huttman, to reappoint Darrel McDaniel and appoint Corey Stoltz to the Olathe Board of Housing Commissioners. Passed 5-0.

7. PUBLIC HEARINGS

PROJECTS

- A. A public hearing required by Kansas Department of Health and Environment for the Cedar Creek Wastewater Treatment Plant (CCWWTP) Expansion, Project No. 1-C-004-07 was opened.

No one appeared.

Motion by Montgomery, seconded by Vogt, to close hearing. Passed 5-0.

WEEDS

- B. A public hearing to consider levying assessments to collect unpaid city expenditures for weed mowing and debris removal was opened.

No one appeared.

Motion by Montgomery, seconded by Vogt, to close hearing. Passed 5-0.

- C. Ordinance No. 07-112 levying assessments to collect city expenditures for weed mowing and debris removal was considered.
Motion by Vogt, seconded by Huttmann, to approve. Passed 5-0.

BONDS

- D. A public hearing on a request by Anderson Pointe 4, LLC for issuance of industrial revenue bonds and tax abatement for its office park project was opened.

Motion by Montgomery, seconded by Vogt, to close hearing. Passed 5-0.

- E. Resolution No. 07-1136 expressing the intent to issue industrial revenue bonds on behalf of Anderson Pointe 4, LLC for its office park project was considered.

Councilmember Vogt indicated 2000 was when this matter was first seen. She stated at the time there was concern with traffic lanes and movement flow at this location.

Staff indicated the applicant agreed to right-in/right-out for this project.

Motion by Vogt, seconded by Montgomery, to approve with the agreement of no left-turns onto 127th Street.

Councilmember Huttmann questioned the traffic on 127th Street at Black Bob. She questioned if this is a good decision.

Staff addressed and noted that access would be acceptable to 127th Street and also to Black Bob Road.

Chris Herre, representing the applicant, stated that after discussion of many, a solution was negotiated. Mr. Herre also spoke about a potential

signal at the intersection by the Olathe Public Library, which could aid in the future.

The vote on the motion passed 5-0.

8. CONSENT AGENDA

Councilmember Vogt requested Item K be considered separately.

Motion by Montgomery, seconded by Campbell, to approve the Consent Agenda with the noted exception. Passed 5-0.

MINUTES

- A. Council meeting minutes of November 6, 2007 were considered and approved.

PROJECTS

- B. The Consent Calendar was considered.

1. CHANGE ORDERS

- a. Edgemere & Wabash Storm Improvements, Project No. 20105C Change Order No. 1 increases the contract by \$26,108.93, was considered and approved.
- b. BNSF Grade Separation, Project No. 38299C, was considered and approved. Change Order No. 15 increases the contract by \$36,796.50.
- c. Indian Creek Channel Improvements & Sewer Line Upsizing, Phase I, Project No. 20306C & 10207C, was considered and approved. Change Order No. 1 increases the contract by \$59,085.36.
- d. Indian Creek Channel Improvements & Sewer Line Upsizing, Phase I, Project No. 20306C & 10207C, was considered and approved. Change Order No. 2 increases the contract by \$37,475.88.

2. PROJECT COMPLETION CERTIFICATES

- a. Reserve at Shadow Lake, 3rd Plat, Sanitary Sewer, Project No. 14905D, was considered and approved.
- b. Fall Brook 3rd Plat, Street, Project No. 35305D, was considered and approved.
- c. Fairfield @ Heritage Park, Storm Sewers, Project No. 33905D, was considered and approved.
- d. Prairie Trails West, Storm Sewers, Project No. 35506D, was considered and approved.
- e. Santa Fe Commons, Mur-Len Widening, Street, Project No. 34006D, was considered and approved.
- f. Santa Fe Commons, Mur-Len Widening, Storm Sewers, Project No. 34006D, was considered and approved.

PROJECTS

2. PROJECT COMPLETION CERTIFICATES (continued)

- g. Kingdom Hall Church, Sanitary Sewers, Project No. 14806D, was considered and approved.
- h. Pacific Sunwear, 167th & Lone Elm Road, Street, Project No. 36906D, was considered and approved.
- i. Parkside Business Center, Sanitary Sewer, Project No. 10906B, was considered and approved.
- j. Parkside Business Center, Street, Project No. 31506B, was considered and approved.
- k. Parkside Business Center, Waterlines, Project No. 50906B, was considered and approved.
- l. Black Bob, 127th to 135th, Contract #3, Street, Project No. 30107C, was considered and approved.

3. FINAL PAYMENT TO CONTRACTORS

- a. Black Bob, 127th to 135th, Contract #3, Project No. 30107C, was considered and approved.

Final Payment -	\$	460,101.65
Original Contract Amount -	\$	489,843.90
Paid-To-Date -	\$	0.00
Change Orders -	\$	(29,742.25)
Final Contract Amount -	\$	460,101.65
Contractor -	O'Donnell & Sons Construction	

- b. Parkside Business Park, Project No. 10906B, 31506B & 50906B, was considered and approved.

Final Payment -	\$	92,123.28
Original Contract Amount -	\$	827,684.15
Paid-To-Date -	\$	829,109.52
Change Orders -	\$	93,548.65
Final Contract Amount -	\$	921,232.80
Contractor -	Cutting Edge Excavating, Inc.	

4. FINAL PAYMENT TO CONSULTANTS

- a. None

PLATS

- C. Final plat, P-07-082, requesting approval for Parkside Business Center, 2nd Plat on 1.175± acres, containing one (1) lot; located in the vicinity of Kansas City Road and Ridgeview Road was considered and approved.
Owner/Applicant: Chris Herre, AIA, Rose Development Company, Inc.
- D. Final plat, P-07-083, requesting approval for Forest Hills Estates, Second Plat on 9.0939± acres, containing 32 lots and 2 tracts; located in the vicinity of 172nd Terrace and Kimble Street, was considered and approved.
Owner/Applicant: Ken Rogler, Rogler Investments, Inc.

PLATS

- E. Final plat, P-07-087, requesting approval for Meadows of Forest View, 5th Plat on 18.09± acres, containing 27 lots and one tract; located in the vicinity of Solomon Road and Dunraven Street, was considered and approved. Owner/Applicant: Tom Langhofer, 119/7 Roadside Partners, LLC.

PROJECTS

- F. Award of contract to O'Donnell and Sons Construction for the construction of Lone Elm Road, 175th Street South 2000', PN 33505B, was considered and approved.

PROJECTS

- G. An Architectural/Engineering Services Agreement with Landplan Engineering for construction administration services for the Eastbrooke Trail PN 41300c, was considered and approved.
- H. Resolution No. 07-1137 for Kansas Department of Transportation Designating City Connecting Links in State Highway System was considered and approved.
- I. An Engineering Services Agreement with Level-4 Engineering, LLC for design of Greenwood Lane and Waterline from 134th Place to 133rd Street, PN's 3-B-031 and 5-B-019, was considered and approved.
- J. An Engineering Services Agreement with Level-4 Engineering, LLC for design of Lakeshore Meadows Lift Station and Force Main, PN 1-B-009, was considered and approved.
- K. Resolution No. 07-1138 amending Resolution No. 02-1027 to increase project authorization for the Woodland Road Improvements, to include the construction of a signal at College and Woodland and street lights and sidewalks from 105th Street north to the city limits, PN 35999, **WAS REMOVED FOR SEPARATE CONSIDERATION.**
- L. Resolution No. 07-1139 authorizing creation of a benefit district to construct a sanitary sewer to serve the Lakeshore Meadows, Project No. 1-B-009, was considered and approved.
- M. Resolution No. 07-1140 authorizing creation of a benefit district to serve the Kansas BioScience, PN's. 3-B-043 and 1-B-020, was **REMOVED AT REQUEST OF APPLICANT.**
- N. Award of construction contract to I-Con Underground, LLC for the 2007 Sanitary Sewer Rehabilitation (CIP), PN 1-C-002-07, was considered and approved.

BONDS

- O. Resolution No. 07-1141 consenting to the assignment of a portion of the interest in industrial revenue bonds from Prairie Ridge Partners, LLC to Cogent Enterprises at Prairie Ridge, LLC was considered and approved.

CONTRACTS

- P. An extension of contract with Dell Marketing L.P. for computer equipment was considered and approved.
- Q. An extension of cooperative contract with Grainger for industrial supplies was considered and approved.
- R. Award to Doug Mays & Associates, L.L.C., for lobbyist services was considered and approved.

ITEMS FOR SEPARATE CONSIDERATION:

PROJECTS

- K. Resolution No. 07-1138 amending Resolution No. 02-1027 to increase project authorization for the Woodland Road Improvements, to include the construction of a signal at College and Woodland and street lights and sidewalks from 105th Street north to the city limits, PN 35999, was considered.

Councilmember Vogt stated she is pleased staff presented this item due to the need of signalization and sidewalk for this area.

The City Engineer stated the sidewalk would be constructed with the City of Lenexa to fill a gap in the sidewalk. She also noted the signal would be completed in the fall, 2009.

Motion by Vogt, seconded by Campbell, to approve. Passed 5-0.

9. NEW BUSINESS - PLANNING

REZONING

- A. Ordinance No. 07-113, RZ-07-029, requesting approval of a rezoning from M-2 to CP-3 for Marine Max on 1.56± acres, containing one (1) lot; located south of East Kansas City Road and west of Interstate 35, was considered. Owner: David and Mary Ann Bolton.

Motion by Vogt, seconded by Campbell, to approve. Passed 5-0.

PLATS

- B. Final plat, P-07-065, for Marine Max on 1.56± acres, containing one (1) lot; located south of East Kansas City Road and west of Interstate 35, was considered. Owner: David and Mary Ann Bolton. Applicant: Eric Hughes, Strickland Construction.

Motion by Campbell, seconded by Vogt, to approve. Passed 5-0.

SPECIAL USE PERMITS

- C. Resolution No. 07-1142, SU-07-017, requesting approval of a special use permit for sales of boats and equipment (Marine Max) on 1.56± acres, containing one (1) lot; located south of East Kansas City Road and west of Interstate 35, was considered. Owner/Applicant: David & Mary Ann Bolton.

Motion by Vogt, seconded by Campbell, to approve. Passed 5-0.

PLATS

- D. Final plat, P-07-086, requesting approval for Questionable, 2nd Plat on 3.41± acres, containing one (1) lot and one (1) tract; located in the vicinity of Dennis Avenue and Palmer Drive, was considered. Owner/Applicant: Kirk Randall.

The Public Works Director stated the applicant requested a reduction in the excise fee for this plat. He noted this was granted for the previous plat in similar fashion. He stated staff is not opposed to the request.

Motion by Montgomery, seconded by Vogt, to approve the plat and request for reduction of the street excise fee. Passed 5-0.

VACATIONS

- E. Ordinance No. 07-114, VAC-07-012, requesting approval of a vacation of a utility easement on lots 1 and 2, of block 3 of Persimmon Hill; located south of Sage Circle and west of Persimmon Drive, was considered. Owner: John J. Eidson ETAL & Bonnie Elaine Buckley, Trustee.

Motion by Campbell, seconded by Vogt, to approve. Passed 5-0.

- F. Ordinance No. 07-115, VAC-07-014, requesting approval to vacate ramp right-of-way for Olathe Gateway; located in the vicinity of 119th Street and Kansas City Road, was considered. Owner: Maegrace, LLC.

Motion by Montgomery, seconded by Huttman, to approve. Passed 5-0.

10. NEW BUSINESS - ADMINISTRATION

PROJECTS

- A. Ordinance No. 07-116 approving and authorizing payment by the City Treasurer of a condemnation award and court-appointed appraisers' fees in the eminent domain case of *The City of Olathe, Kansas v. David R. Hosier, et al.*, Case No. 07 CV 06305 for the Eastbrooke Bike, Pedestrian and Recreational Trail Project, PN 41300C, was considered.

Motion by Vogt, seconded by Campbell, to approve. Passed 5-0.

BONDS

- B. Ordinance No. 07-117 authorizing the issuance of industrial revenue bonds for the Cogent Enterprises at Prairie Ridge LLC Project was considered.

Motion by Vogt, seconded by Campbell, to approve. Passed 5-0.

- C. Ordinance No. 07-118 authorizing the issuance of industrial revenue bonds for the Frontier Medical Development, LLC Project (Series 2007A and 2007B), was considered.

Motion by Campbell, seconded by Vogt, to approve. Passed 5-0.

11. NEW CITY COUNCIL BUSINESS

The Councilmembers wished everyone a Happy Thanksgiving holiday.

12. ADJOURNMENT

Motion by Montgomery, seconded by Campbell, to adjourn. Passed 5-0.

The meeting adjourned at 7:35 p.m.

City Clerk